

REMARKS

This paper is filed in response to the Office Action dated July 28, 2004. As this paper is filed on October 21, 2004, this paper is timely filed.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-5 and 10-15 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schliesser et al., U.S. Patent No. 5,947,809. The Applicant respectfully traverses the rejection of these claims under Schliesser et al. The reference refers to a filler with a control unit which controls the speed of a length-adjusting device, such that the speed of the length-adjusting device may be controlled in accordance with an expected output of the filling tube 3. The Applicant's invention, on the other hand, is for a "just-in-time"-type producing and filling station, wherein the production of sausage meat is adjusted such that as soon as the sausage meat is produced, it may be filled into sausage casings as soon as possible. The Schliesser et al. reference discloses only a filler, not a meat producing station.

The Applicant's claim 1 recites that the control means controls the sausage meat output of the sausage-meat producing station. Given that the Schliesser et al. reference does not disclose a producing station, there can be no disclosure of control of a meat producing station in the reference. In the reference, the upstream device (filler 1) controls a downstream device (length-adjusting device 2). It is respectfully submitted that such an arrangement is completely different than the control mechanisms and relationship recited in the Applicant's claim 1 and the remaining dependent claims. Applicant submits that claims 1-5 and 10-15 are therefore allowable over the Schliesser et al. reference.

Rejections Under 35 U.S.C. § 103(a)

Claims 5-9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schliesser et al. It is respectfully submitted that in view of the dependence of claims 5-9 on claim 1, which is allowable over Schliesser et al. for the reasons indicated in the previous section of this Response, claims 5-9 are likewise allowable over Schliesser et al.

CONCLUSION

In view of the foregoing, the Examiner's reconsideration and favorable action are respectfully solicited. If there are any fees required in connection with the present Response, the Commissioner hereby authorized to charge Deposit Account No. 13-2855.

Applicant also directs the Examiner's attention to a Supplemental Information Disclosure Statement submitted on September 22, 2004, and respectfully requests consideration of the references disclosed therein.

Dated: October 21, 2004

Respectfully submitted,

By 
Jeremy R. Kriegel

Registration No.: 39,257
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant